

REMARKS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 11-20, 22-29, 38-44, and 50 are pending in the application; Claims 11 and 22 are amended; and Claims 51-52 are canceled by the present amendment. Support for amended Claims 11 and 22 can be found in the original specification, claims and drawings.¹ No new matter is presented.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering amendments, canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment corrects minor matters of form in the claims in compliance with an objection set forth in the outstanding Office Action, cancels claims, and places the claims in better form for consideration on appeal. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Official Action, Claims 51 and 52 were rejected under 35 U.S.C. § 112, first paragraph; Claims 11, 51 and 52 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-5, 11-22, 25-29, 38-44 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,550,008, hereinafter "Zhang") in view of Sims III (U.S. Pub. No. 2002/0016919, hereinafter "Sims"); and Claims 23-24 were rejected under 35 U.S.C. § 103 as unpatentable over Zhang and Sims in view of Yagawa et al. (U.S. Patent No. 6,751,598, hereinafter "Yagawa").

¹ e.g., specification, at least at p. 9 and Fig. 2.

The outstanding Official Action rejected Claims 51 and 52 under 35 U.S.C. § 112, first paragraph. Claims 51 and 52 are canceled herein, thereby rendering the rejections to these claims moot.

Claims 11, 51 and 52 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The outstanding Official Action interprets Claim 11 as claiming that the exact same key is used for acquiring data and for authentication. However, Claim 11 is amended to clarify that the same “key data” not the same “key” is used for acquisition of data and authentication between the data processing apparatus and the portable reproducing apparatus. As described in an exemplary embodiment at pp. 66-75 of the specification, the “key data” includes both authentication keys and master keys, which are used to acquire data and perform cross-authentication between the data processing apparatus and portable reproducing apparatus.

Accordingly, Applicants respectfully submit that amended independent Claim 11 particularly points out and distinctly claims the subject matter which Applicant regards as the invention. Therefore, Applicants request that the rejection of Claim 11 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Official Action rejected Claims 1-5, 11-22, 25-29, 38-44 and 50 under 35 U.S.C. § 103 as unpatentable over Zhang in view of Sims. Applicants respectfully submit that independent Claims 11, 22, 38-39 and 50 state novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 11 relates to a method for furnishing key data to a data processing apparatus (e.g., a personal computer), which includes a contents reproducing program. The data processing apparatus receives first key data (e.g., authentication key, master key, etc.) used to acquire first contents data from a compact disc, which is stored in

the data processing apparatus. The first key data is also used to perform authentication between the data processing apparatus and a portable reproducing apparatus (e.g., portable media player), thereby allowing for the first contents data to be exchanged between the two devices. The data processing apparatus also receives second key data that is used to acquire second contents data from a contents server, and which is stored in the data processing apparatus. Similar to the first key data, the second key data is used to perform authentication between the data processing apparatus and a portable reproducing apparatus (e.g., portable media player), thereby allowing for the second contents data to be exchanged between the two devices.

The system of Claim 11 allows for increased security relating to content data downloaded from the content server (e.g. EMD server) by utilizing key data (second key data), different from the key data (first key data) used for data from a conventional compact disc, when acquiring data and exchanging data between the data processing apparatus and the portable reproducing apparatus.

Amended Claim 11 recites, *inter alia*, a method for furnishing key data to a data processing apparatus, comprising

...using said first key data to copy first contents data stored originally in a compact disc...and using said first key data to perform authentication between said data processing apparatus and a portable reproducing apparatus...

Turning to the applied reference, Zhang describes a method for protecting information transmitted between a POD module (26) and a host device (24), which are both included in a receiver (20) for receiving content data broadcast from a head end system (14).² As admitted in the outstanding Official Action, however, Zhang is “silent about the POD

² Zhang, Fig. 1.

retrieving the data from the storage element because it is obvious that if data is stored on in the CD it must be retrieved using a key.”³

In an attempt to cure this deficiency in Zhang, the Official Action relies on Sims, citing p. 8, paragraph [0081] and p. 9, paragraph [0098]. Sims, however, is directed to using a key (e.g., Disk Key) for ensuring that a specific device or user is authorized to access the content stored in a bulk media storage. In paragraph [0083], Sims describes that decryption values (e.g., p, q, e and k), as well as other information, is provided to authorized users which are operable to receive and decrypt given content data.

Sims, however, fails to teach or suggest that this “Disk Key” may be used as data to ***“perform authentication between said data processing apparatus and a portable reproducing apparatus,”*** as recited in amended independent Claim 11. Further, as Zhang fails to teach or suggest receiving first key data to copy contents from a compact disc, Zhang also fails to teach or suggest using any such first key data to perform authentication with a portable reproducing apparatus.

Therefore, neither, Zhang nor Sims, neither alone, nor in combination, teach or suggest ***“using said first key data to copy first contents data stored originally in a compact disc,” and “using said first key data to perform authentication between said data processing apparatus and a portable reproducing apparatus,”*** as recited in amended independent Claim 11.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 11 under 35 U.S.C. § 103 as unpatentable over Zhang and/or Sims be withdrawn. For substantially the same reasons as given with respect to amended Claim

³ Outstanding Official Action, p. 7.

11, it is also submitted that amended independent Claims 21, 22, 38, 39 and 50 also patentably define over the applied references.

The Official Action has rejected Claims 23 and 24 under 35 U.S.C. § 103 as being unpatentable over Zhang and Sims in view of Yagawa.

As discussed above, neither Zhang, nor Sims, alone or in combination fails to teach or suggest specific above-noted features recited in the pending independent Claims. Likewise Yagawa fails to remedy this deficiency, and therefore, none of the cited references, either alone or in combination, can be asserted as disclosing Applicants Claims 23 and 24, which include the above distinguished limitation by virtue of dependency. Therefore the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests that the rejection of Claims 23 and 24 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims Claims 11-20, 22-29, 38-44, and 50 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Application No. 09/857,218
Reply to Office Action of June 14, 2006

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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